

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ELIZABETH PETERSON,
AMANDA CARLTON,
REBECCA HIRSCH, MICHELE
O'DELL, and PRASANNA
RAMAKRISHNAN, individually and
on behalf of all others similarly
situated,

Plaintiffs,

v.

BSH HOME APPLIANCES
CORPORATION d/b/a BOSCH,

Defendant.

Case No. 2:23-cv-00543-RAJ

JOINT SETTLEMENT STATUS REPORT

Pursuant to this Court's MINUTE ORDER, dated June 29, 2023, the Parties submit this Joint Settlement Status Report and show the Court as follows.

BACKGROUND: This litigation involves BSH Home Appliances Corporation d/b/a Bosch's ("Bosch") manufactured certain stainless steel microwave/oven combination products with Model Numbers HBL5751UC, HBL8751UC, HBLP751UC, HMC80151UC, HMC80251UC, and HMC87151UC ("Class Products"). Plaintiffs have alleged the Class Products contain defective control panels that fade and render the Class Products unusable, as more fully described in Plaintiffs' April 7, 2023, Complaint.

SETTLEMENT HISTORY. On November 29, 2022, the Parties formally mediated with experienced mediator and retired federal court judge, Wayne Andersen. At that time, the Parties entered into a putative classwide agreement to provide relief to Plaintiffs and Class Members.

While the Settlement Agreement is not yet finalized and signed, the settlement substantively provides the following benefits to Plaintiffs and Class Members:

Settlement Fund. There were approximately 28,000 Class Products sold across the country and subject to the settlement. Pursuant to the Settlement Agreement, Bosch will pay a maximum of up to \$2,000,000 for reimbursement of out of pocket costs for Tier 1(a) Settlement Class Members, Service Awards, Notice and Administration, and Attorney's Fees. If the total amount of refund claims exceeds the fund, the amount paid on each claim will be reduced *pro-rata*.

Tier 1 and Tier 2 Benefits. Any Settlement Class Member who provides sufficient documentary Proof of Ownership and Proof of Display Failure are entitled to the following benefits:

Tier 1:

- a. Reimbursement of out-of-pocket costs up to \$400.00 with proof that such out of pocket costs related to the Display Failure; and
- b. An extended service plan benefit of three (3) years from the date of purchase, wherein Bosch would replace any VFD control panel that experienced a qualifying display failure.

Tier 2: Class Members with a Future Display Failure are entitled to an extended service plan benefit of three (3) years from the date of purchase, wherein Bosch would replace any VFD control panel that experienced a qualifying display failure.

The Parties have selected experienced claims administrator, CPT Group, Inc. ("CPT"), to provide significant direct notice, as well as a targeted media plan, as will be more fully described in CPT's declaration in support of Plaintiffs' Motion for Preliminary Approval.

SETTLEMENT STATUS. The Parties have made multiple exchanges of the draft Settlement Agreement, negotiating several components including what will be required for proof of purchase, funding of the Settlement Fund, and other details necessary to finalize the agreement.

The Parties anticipate having the Settlement Agreement signed in August of 2023. Plaintiffs have in process a working draft of a Motion for Preliminary Approval and are prepared to file the Motion and exhibits within 14 days of finalization of the Settlement Agreement. Accordingly, the Parties anticipate that, notwithstanding additional unavoidable delays, the Settlement Agreement can be finalized by mid-August and that the Motion could be filed by September 8, 2023.

DATED: July 31, 2023

Respectfully submitted,

**MILBERG COLEMAN BRYSON
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*Motion to be admitted *pro hac vice*
forthcoming.

Attorneys for Plaintiffs

DATED: July 31, 2023

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*Motion to be admitted *pro hac vice*
forthcoming

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CERTIFICATE OF SERVICE

I hereby certify that on June 31, 2023, I electronically filed the foregoing document with the Clerk of the Court using the M/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rule of Civil Procedure.

By: /s/ Harper T. Segui

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